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Security Council

Sixty-third year

Provisional

5956th meeting

Monday, 18 August 2008, 10.20 a.m.

New York

President:	Mr. Grauls	(Belgium)
Members:	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Du Xiacong
	Costa Rica	Mr. Urbina
	Croatia	Mr. Skračić
	France	Mr. Renié
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2008/485)

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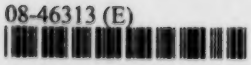

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan (S/2008/485)

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for the Sudan and head of the United Nations Mission in the Sudan, Mr. Ashraf Jehangir Qazi.

It is so decided.

I invite Mr. Qazi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance reached in its prior consultations. Members of the Council have before them the report of the Secretary-General on the Sudan (S/2008/485).

At this meeting, the Security Council will hear a briefing by the Special Representative of the Secretary-General for the Sudan and head of the United Nations Mission in the Sudan, Mr. Ashraf Jehangir Qazi. I now give the floor to Mr. Qazi.

Mr. Qazi: I have the pleasure to introduce the Secretary-General's latest report on the Sudan (S/2008/485). I am grateful for the opportunity to brief the Council on the situation on the ground in the Sudan.

Implementation of the Comprehensive Peace Agreement (CPA), though behind schedule, remains on track. The level of mutual cooperation between the two CPA partners has shown some signs of improvement. Nevertheless the foundation for a durable peace remains fragile.

The security situation during the reporting period remained precarious. The two parties were involved in the most severe violations of the ceasefire since the Malakal clashes in November 2005. In Abyei, fighting between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) from 14 to 20 May resulted in 89 fatalities, 18 of which were reported to be civilians. Around 50,000 people were displaced and most of the town of Abyei was destroyed. All United Nations civilian staff and humanitarian workers had to be evacuated from the area.

On 10 May, the Justice and Equality Movement (JEM) launched an attack on Omdurman in an effort to reach Khartoum. The JEM forces traversed 1200 kilometres from Darfur to reach Omdurman. They used 300 pickup trucks. Government forces repulsed the attack. According to figures released by the Government, 79 members of the Government's security forces, 57 civilians and 329 JEM fighters lost their lives during the fighting.

SPLA forces also clashed with local tribesman in Southern Kordofan State. Inter-communal fighting in the Southern Sudan continued and was further compounded by the coercive civilian disarmament campaign by SPLA in some areas. This period also saw a rise in the alleged activities of the Lord's Resistance Army (LRA) in Western Equatoria State. On 5 June, the LRA attacked an SPLA garrison in Nabanga, killing 14 SPLA soldiers and 12 civilians.

The peace process has crossed a halfway mark and a number of critical benchmarks are either fast approaching or have past. While the working relationship between the two partners is relatively cordial, the lack of mutual trust and confidence remains a significant obstacle to the goals of making unity attractive and the peaceful implementation of the CPA.

Building on some recent positive developments will accordingly be an urgent priority for the United Nations Mission in the Sudan (UNMIS). At all times, however, the prime responsibility for the adoption of peaceful and non-zero-sum approaches towards meeting critical benchmarks and resolving differences over outstanding issues will remain that of the two CPA partners. The international community will also be called upon to offer a range of assistance to enable both sides to meet their obligations.

The figures for redeployment remain largely unchanged; 97 per cent of SAF troops verified by UNMIS and accepted by the Ceasefire Joint Monitoring Commission (CJMC) have redeployed north of the current border line. SPLA verified and accepted redeployment stands at 10 per cent of the initial stated figures of 59,168 troops. The low

percentage of SPLA forces redeployed from Southern Kordofan State and its renewed presence in Blue Nile State remains a source of tension between the two parties.

The enumeration process in the national census has been completed and the results are expected in early 2009; however, this agreement over the final results, if any, would impact on critical CPA processes, such as the elections and welcome power sharing. The electoral law has been passed and the parties are now engaged in finalizing nominations for the National Election Commission (NEC). These nominees are expected to be confirmed by parliament by the end of this month. The parties are aware of our offer of assistance and may be requesting it in the coming weeks. If things proceed accordingly, elections can still take place by the end of 2009.

Significant progress has been made regarding disarmament, demobilization and reintegration (DDR) benchmarks, the National Council for DDR Coordination has endorsed the national reintegration policy and on 25 June of this year, agreement was reached on the content and modalities of the multi-year, reintegration component of the DDR programme, which will require donor contributions of $430 million over 4 years.

On 20 July, the parties agreed on the respective roles of the Northern and Southern Sudan DDR Commissions in the three transitional areas. This will pave the way for implementation of DDR in these areas. I encourage the parties to make further progress on joint operational plans and funding for reintegration programmes. The next senior level roundtable meeting in the Sudan between the Government, donors and the United Nations is expected to take place in October, at which time the status of the programme will be revealed. Donor pledges will be made and the next steps may be discussed, including a starting date of the programme.

The United Nations continues to exert a significant effort on the humanitarian and development front. This reporting period continued to see returns of internally displaced persons (IDPs) and refugees to the south. It is estimated that 153,638 returned in 2008, of which 58 per cent were organized returns. The clear challenge with respect to returning populations is to ensure that over and above the basic services provided as immediate humanitarian aid, development assistance is available in the communities where they are returning, including health, water and sanitation, education and regaining lost skills for agricultural livelihoods.

In this context, I am pleased to announce that the Southern Sudan Recovery Fund was successfully launched at the Sudan Consortium in Oslo earlier in May this year. This will enable transition funding to the States of Southern Sudan and rapid implementation and capacity-building of provincial and State-level institutions. The third Sudan Donor Consortium was attended by 250 delegates from 48 countries and organizations. Vice-President Taha presided over the event and the Norwegian Government graciously hosted. The Consortium agreed on the recovery and development priority for the second half of the CPA period 2008 to 2011.

The review of progress of the Joint Assessment Mission (JAM) suggested that targets had been largely met. These included a stable macroeconomic environment, containment of inflation, progress towards creating a conducive environment for foreign direct investment and increasing pro-poor expenditure. However, external debt remains very high and the economy remains heavily dependent on oil. There was general consensus with regard to a common way forward. The donors welcomed the adoption of the Government of National Unity's five-year plan, the Government of the Southern Sudan's medium-term expenditure priorities, as well as the proposed joint projects, and pledged $4.8 billion in support of the Sudan over the planning period 2008 to 2011.

Humanitarian needs continue to be addressed as part of UNMIS mandate. Of significance were the 50,000 displacements from Abyei and an additional 25,000 affected people, who moved to Aguok and outlying areas, while close to 5,000 moved to Muglad, north of Abyei.

The rapid deployment of United Nations humanitarian agencies resulted in the immediate provision of humanitarian assistance. With elements of the Abyei road map in place, it is envisaged that people will start returning there. However, a major concern of the displaced people is to avoid disrupting the education of their children. It may be likely that the bulk of the returns will take place in December, at the end of the current school semester, but it could be

earlier. The United Nations family is prepared to assist with immediate and long-term recovery needs.

The demarcation of the 1956 border line — the border between the North and the South — is the most crucial outstanding issue. The Technical Ad Hoc Border Committee has yet to complete its report, which will then be submitted to the presidency. The next stage will consist of developing a satellite-imagery-based map and of conducting the demarcation process on the ground. The United Nations has supported the Committee with technical expertise and is now in the process of providing further technical assistance for the satellite imagery for the development of the border map. Progress on the delineation and demarcation of the 1956 border is critical for the peaceful implementation of the CPA. I urge the parties to ensure the expedited submission of the report to the presidency so that the delineation and demarcation process can move forward. We are ready, if requested by both sides, to assist them in the resolution of outstanding issues with regard to this matter.

With regard to the role of UNMIS vis-à-vis the recent Abyei crisis, it needs to be appreciated where the primary responsibility for the violence, escalation, looting, arson, death and displacement lie. The two sides and their respective armies bear primary, and indeed exclusive, responsibility for what happened in Abyei. As signatories to the CPA, they continue to be responsible for ensuring that the tragedy of May 2008 is never repeated, whether in Abyei or elsewhere.

Because of the extreme political sensitivity of the events in Abyei, there has been a tendency to blame UNMIS for the consequences of decisions taken elsewhere. That is not to suggest that UNMIS regards itself beyond criticism — far from it. Complacency and the refusal to draw lessons from the experience of such crises would contradict the basic obligation of the Mission to constantly seek ways and means to improve its own performance.

In the aftermath of the fighting, UNMIS carried out a comprehensive and detailed after-action review of its response, which was submitted to Headquarters. It identified the strengths, the weaknesses and the lessons learned from our experience. UNMIS sheltered and escorted to safety over 100 civilians during the fighting. All United Nations and humanitarian staff were evacuated without a single injury. Emergency security meetings were convened at which the parties pledged to take a number of actions to calm the situation and maintain the ceasefire, but implemented none of them. Meetings of the area joint military committees and the Ceasefire Joint Monitoring Commission were convened on the ground. Ministers were flown to Abyei to end the fighting, but to no avail. The fact of the matter is that there was a breakdown of local command and control. The instructions of high officials were simply ignored by local commanders. However, the review also acknowledges our failure to protect United Nations agency compounds in the town. In the aftermath of the conflict, the United Nations provided, and continues to provide, humanitarian assistance to those displaced from the area.

The tragic exodus of most of the population of Abyei before the main escalation of the fighting was, in a way, fortunate; it averted the possibility of a real bloodbath among the residents of Abyei. According to estimates so far, there were 89 fatalities, including 18 civilians. That is still far too many, but given the scale of hostilities between both sides and their inability or unwillingness to implement measures already agreed upon, there was little UNMIS could do to prevent the loss of life.

With regard to the protection of civilian property, the fact is that most of the arson was committed during the fighting and most of the looting after the cessation of hostilities on 20 May — although it also occurred during lulls in the fighting. The impression that UNMIS did nothing while Abyei burned and was looted is not correct. When two regular armies fight each other with tanks, multi-battery rocket launchers, artillery and heavy machine guns, irrespective of the specific numbers of peacekeepers assigned to Abyei, there is no way they can actively intervene to suppress the fighting. Moreover, UNMIS has no such mandate, nor do its rules of engagement allow the use of lethal force to protect civilian property.

Nevertheless, the Abyei events do indicate the need for urgent discussions on the critical issue of incorporating Chapter VII provisions in a Chapter VI mandate and the expectations it generates vis-à-vis the capabilities given to the Mission. In that regard, I commend the report entitled "Security Council action under Chapter VII: myths and realities", which was released on 23 June 2008 and which highlights the dilemma that is faced by peacekeepers all over the world. The question of mandate and capabilities are

inevitably interlinked. You cannot have a robust interpretation of a given mandate for which a robust intervention capability is not provided. Moreover, the degree of robustness to which a mission mandate can be interpreted is a function of the political and military space allowed to the missions by the parties.

Being a Chapter VI mission, UNMIS neither possesses the robust intervention capability nor was it provided the requisite political and military space by the parties, including the freedom of movement for monitoring and verification. That has been repeatedly conveyed to the Council by the Secretary-General and his Special Representatives over the past three years. The issue of responsibility to protect civilians under imminent danger precludes law enforcement activities such as the protection of civilian property. Nevertheless, it does create expectations of an international commitment to providing a broad range of protection and enforcement measures. I urge the Council to initiate a debate on such issues so that clear guidelines on the subject can emerge that can be translated into realistic rules of engagement for peacekeepers equipped with the requisite capability.

Those discussions, however, should not distract us from the fact that there has been significant progress in Abyei. In line with the four-point agreement signed by the parties, the redeployment of SAF and SPLA forces out of the area is almost complete. We are encouraging both parties to redeploy the remaining elements as a matter of priority. The training of the Joint Integrated Units and the Joint Integrated Police Units is under way. The Units will deploy in the area soon. Very importantly, the parties have finally agreed on an interim administration for Abyei, which should be able to provide basic services to the returning civilian population. An assistance plan is in place and will be submitted to the interim administration for approval. The donor community is expected to be generous in contributing to the Abyei reconstruction fund.

It is not possible to discuss the current situation in the Sudan outside the context of the recent action taken by the International Criminal Court (ICC) and the reaction of the Sudanese Government to that development. I have conveyed to the Government of the Sudan that the ICC is an independent institution and that UNMIS will continue to implement its mandate in the Sudan. The Government has qualified the ICC action as political and not legal, but it has acknowledged the distinction between the ICC and the mandate of the two peacekeeping missions in the Sudan. However, the Government has conveyed to me that the issuance of an arrest warrant against President Al-Bashir could create a situation that might have serious consequences for United Nations staff and infrastructure in the Sudan. We are taking all the necessary precautionary measures, including strengthening our cooperation with the Sudanese security institutions. We are also engaged in contingency planning for a range of possible scenarios, in close consultation with the United Nations Department of Safety and Security.

Meanwhile, engagement with all parties relevant to the implementation of the CPA will remain essential for the success of our mandated mission in the Sudan. The predominant fact remains that peace in the Sudan is indivisible. Should the CPA unravel, the prospects for a peaceful outcome in Darfur will largely disappear. The successful implementation of the CPA brightens the prospects for peace in Darfur. I say that because the perception that an over-focus on Darfur has diverted attention from the need to provide a peace dividend through the implementation of the CPA is real, especially among southern Sudanese. We have to change that perception through emphatic and tangible recognition of the centrality of the CPA.

In the light of the foregoing, three years down the road the prospects for the CPA are uncertain but not necessarily bleak. There has been progress in Abyei. The census enumeration has been completed. The electoral process is under way. There is at last progress on disarmament, demobilization and reintegration. Recovery and development projects have begun to make some difference on the ground. However, ultimate success will require the parties to realize that peace can be consolidated only through the full implementation of the Abyei road map and the successful demarcation of the 1956 border. For longer-term peaceful coexistence and prosperity, it will also be imperative, irrespective of the outcome of the referendum, for the two sides to prepare the ground for longer-term economic cooperation.

The President (*spoke in French*): I thank Mr. Qazi for his briefing.

There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.40 a.m.